

AMENDMENTS TO THE CLAIMS:

Please amend the claims as shown in the following Listing of Claims.

1. **(currently amended)** A surgical instrument for fragmenting and extracting stones from a patient comprising, in combination:

an outer sheath having a proximal end and a distal end;

wherein the outer sheath has a basket sized for entrapping the stones and located near the distal end of the outer sheath;

wherein the basket transforms between an expanded condition forming a hollow interior space for capturing the stones and a collapsed condition having a profile sized smaller than the expanded condition for insertion of the basket into the patient and withdrawal of the basket from the patient;

wherein a periphery of the basket has a plurality of spaced apart openings sized and shaped for passage of the stones into the interior space when in the expanded condition;

an inner core longitudinally extending through the ~~core~~ outer sheath and into the hollow interior and longitudinally movable relative to the ~~core~~ outer sheath;

wherein the inner core has a proximal end and a distal end; and

wherein the distal end of the inner core is adapted to engage and fragment the stones

wherein the outer sheath is the radially outermost component of the instrument.

2. **(currently amended)** The surgical instrument according to claim 1, wherein longitudinal movement of the inner core relative to the outer sheath transforms the basket from an the expanded condition to a the collapsed condition, ~~the basket having a profile small in the collapsed condition than the expanded condition.~~

3. **(original)** The surgical instrument according to claim 2, wherein the basket is preformed in the expanded condition and resiliently returns to the expanded condition from the collapsed condition upon removal of force applied by the inner core.

4. **(currently amended)** The surgical instrument according to claim 2, wherein an abutment of the inner core engages an abutment of the outer sheath to resiliently deform the basket from the expanded condition to the collapsed condition upon longitudinal movement of the inner core relative to the outer sheath in a direction away from the proximal end of the outer sheath and toward the distal end of the outer sheath.

5. **(currently amended)** The surgical instrument according to claim 1, wherein the distal end of the outer sheath is provided with an opening so that the inner core can extend through the opening and past the distal end of the outer ~~core~~ sheath.

6. **(original)** The surgical instrument according to claim 1, wherein the distal end of the inner core is moveable from a retracted position within the basket to an extended position past the distal end of the outer sheath.

7. **(original)** The surgical instrument according to claim 1, wherein the distal end of the inner core is provided with a blunt nose for fragmenting the stones.

8. **(original)** The surgical instrument according to claim 1, wherein an energy source is connected to the inner core to provide energy for fragmenting the stones.

9. **(original)** The surgical instrument according to claim 8, wherein the energy source is a vibrating device.

10. **(original)** The surgical instrument according to claim 8, wherein the energy source is a drilling device.

11. **(original)** The surgical instrument according to claim 8, wherein the energy source is laser device.

12. **(currently amended)** A surgical instrument for fragmenting and extracting stones from a patient comprising, in combination:

an outer sheath having a proximal end and a distal end;

wherein the outer sheath has a basket sized for entrapping the stones and located near the distal end of the outer sheath;

wherein the basket transforms between an expanded condition forming a hollow interior space for capturing the stones and a collapsed condition having a profile sized smaller than the expanded condition for insertion of the basket into the patient and withdrawal of the basket from the patient;

wherein a periphery of the basket has a plurality of spaced apart openings sized and shaped for passage of the stones into the interior space when in the expanded condition;

an inner core longitudinally extending through the ~~core~~ outer sheath and longitudinally movable relative to the ~~core~~ outer sheath;

wherein the inner core has a proximal end and a distal end;

wherein longitudinal movement of the inner core relative to the outer sheath transforms the basket from the expanded condition to the collapsed condition; and

wherein the distal end of the inner core is longitudinally moveable from a retracted position within the basket to an extended position past the distal end of the outer sheath to fragment stones outside the basket.

13. **(currently amended)** The surgical instrument according to claim 12, wherein ~~longitudinal movement of the inner core relative to the outer sheath transforms the basket from an expanded condition to a collapsed condition, the basket having a profile small in the collapsed condition than the expanded condition~~ the distal end of the inner core extends past the distal when the basket is in the collapsed condition.

14. **(currently amended)** The surgical instrument according to claim ~~13~~ 12, wherein the basket is preformed in the expanded condition and resiliently returns to the expanded condition from the collapsed condition upon removal of force applied by the inner core.

15. **(currently amended)** The surgical instrument according to claim ~~13~~ 12, wherein an abutment of the inner core engages an abutment of the outer sheath to resiliently deform the basket from the expanded condition to the collapsed condition upon longitudinal movement of the inner core relative to the outer sheath in a direction away from the proximal end of the outer sheath and toward the distal end of the outer sheath.

16. **(original)** The surgical instrument according to claim 12, wherein the distal end of the outer sheath is provided with an opening so that the inner core can extend through the opening and past the distal end of the outer core.

17. **(original)** The surgical instrument according to claim 12, wherein the distal end of the inner core is adapted to engage and fragment the stones.

18. **(original)** The surgical instrument according to claim 12, wherein the distal end of the inner core is provided with a blunt nose for fragmenting the stones.

19. **(original)** The surgical instrument according to claim 12, wherein an energy source is connected to the inner core to provide energy for fragmenting the stones.

20. **(currently amended)** A surgical instrument for fragmenting and extracting stones from a patient comprising, in combination:

an outer sheath having a proximal end and a distal end;

wherein the outer sheath has a basket sized for entrapping the stones and located near the distal end of the outer sheath;

wherein the basket transforms between an expanded condition forming a hollow interior space for capturing the stones and a collapsed condition having a profile sized smaller than the expanded condition for insertion of the basket into the patient and withdrawal of the basket from the patient;

wherein a periphery of the basket has a plurality of spaced apart openings sized and shaped for passage of the stones into the interior space when in the expanded condition;

an inner core longitudinally extending through the ~~core~~ outer sheath and longitudinally movable relative to the ~~core~~ outer sheath;

wherein the inner core has a proximal end and a distal end;

wherein the distal end of the inner core is longitudinally moveable from a retracted position within the basket to an extended position past the distal end of the outer sheath;

wherein the distal end of the inner core is adapted to engage and fragment the stones;
and

wherein longitudinal movement of the inner core relative to the outer sheath transforms the basket from an the expanded condition to a the collapsed condition, ~~the basket having a profile small in the collapsed condition than the expanded condition;~~ and

wherein the outer sheath is the radially outermost component of the instrument.

21. **(new)** The surgical instrument according to claim 1, wherein the distal end of the inner core is adapted to fragment the stones.

22. **(new)** The surgical instrument according to claim 2, wherein the distal end of the inner core is adapted to fragment the stones.

23. (new) The surgical instrument according to claim 12, wherein the abutment of the outer sheath encircles an opening in the distal end of the outer sheath so that the inner core extends through the opening and past the distal end of the outer core when the abutment of the inner core engages the abutment of the outer sheath.

24. (new) A surgical instrument for fragmenting and extracting stones from a patient comprising, in combination:

- an outer sheath having a proximal end and a distal end;

- wherein the outer sheath has a basket sized for entrapping the stones and located near the distal end of the outer sheath;

- wherein the basket transforms between an expanded condition forming a hollow interior space for capturing the stones and a collapsed condition having a profile sized smaller than the expanded condition for insertion of the basket into the patient and withdrawal of the basket from the patient;

- wherein a periphery of the basket has a plurality of spaced apart openings sized and shaped for passage of the stones into the interior space when the basket is in the expanded condition;

- an inner core longitudinally extending through the outer sheath and longitudinally movable relative to the outer sheath within the basket;

- wherein the inner core has a proximal end and a distal end;

- wherein longitudinal movement of the inner core relative to the outer sheath away from the proximal end of the outer sheath and toward the distal end of the outer sheath engages the inner core with the outer sheath to apply a tensile force to the outer sheath which lengthens the outer sheath by collapsing the basket from the expanded condition to the collapsed condition;

and

- wherein the distal end of the inner core is adapted to fragment the stones.

25. (new) The surgical instrument according to claim 24, wherein the basket is preformed in the expanded condition and resiliently returns to the expanded condition from the collapsed condition upon removal of the tensile force applied by the inner core.

26. (new) The surgical instrument according to claim 24, wherein the distal end of the inner core is provided with a blunt nose for fragmenting the stones.